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FEBRUARY 23, 1994

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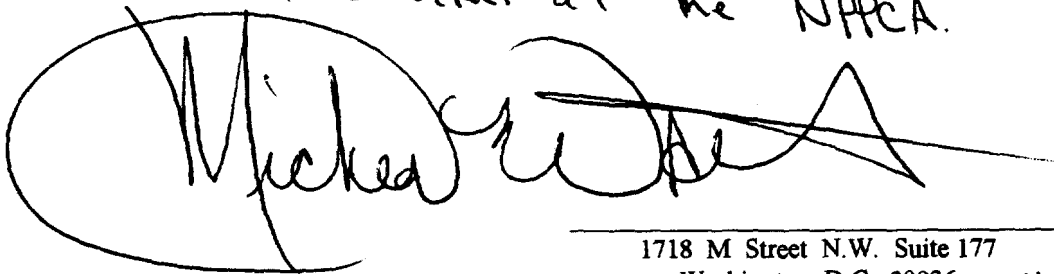
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MR William Caton
ACTING SECRETARY FCC
RM 222
1919 M Street NW
WASHINGTON, DC 20036

Dear Mr. Caton:

Please accept the attached comments from the
National Paging - Personal Communications Association
in reference to General Docket 90-314 Post Auction
Resale Restrictions for PCS.

Please file the NPPCA comments for public
inspection. If there are any questions please contact
Michael Walker at the NPPCA.



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FEB 23 '94

FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF THE
SECRETARY

Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

February 7, 1994

RE: Post-Auction Resale Restrictions
PCS General Docket 90-314

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As the final bricks are placed which complete the road of the information super highway, it is becoming quite evident that the architects of the massive structure had a magnificent, innovative and comprehensive vision for the expansive and expensive project. The Federal Communications Commission (FCC) is to be commended for its efforts in creating policies, rules and guidelines for entities seeking to provide Personal Communications Services (PCS) products and services both privately and publicly.

Charged by Congress from the outset to regulate a technology which would thereby create an industry that had no bounds, that had no form, that had no structure, the FCC's task was epic. Many complex and technical issues had to be dealt with. The allocation of spectrum, the concept for auction licensing, the classifications for narrowband and wideband services, the regulatory process which resulted in the MTA/BTA license mechanism and the desire for diversity in ownership and participation all were sensitive topics which the Commission sought public opinion and recommendation for proposed rule makings.

The paramount objective of the FCC for this PCS project is to regulate an industry and technology which will provide business and career opportunities for all Americans well into the twenty-first century and beyond. It is because of this preponderant responsibility of the FCC that the National Paging & Personal Communications Association (NPPCA) addresses the Commission at this time.

The scope of this correspondence centers totally on the subject of Post-Auction Resale Restrictions. The US Congress mandated that women, minorities, small businesses and rural telephone companies have opportunities to participate and secure ownership of PCS licenses and businesses. It is the NPPCA's position that this right be irrevocable and not privy to barter. Although it is reasonable to assume that there will be those who either choose to relinquish their preference license or due to circumstances beyond their control are forced to relinquish their license(s), it should not, however, foster the detriment of opportunity and ownership by designated non-dominant entities at any time in the present or future.

NPPCA: Post-Auction Resale Restriction
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The NPPCA, on behalf of it's membership and designated entities in general, proposes two acceptable means by which a designated entity's PCS preference license can be sold or acquired once a license has been secured:

- 1) Preferred license must be sold or transferred to a non-dominant entity or non-dominant consortium, or returned to the FCC for re-auctioning to a non-dominant entity or non-dominant consortium, or
- 2) If a preferred license is sold or transferred to a dominant entity, that entity must comply with the following conditions:
 - a.) Establish in-region programs for participation and/or ownership for non-dominant businesses,
 - b.) Provide technical support and training programs for business and career opportunities,
 - c.) Demonstrate a realistic and operable program, and
 - d.) Before the completion of the acquisition/resale, the preferred license must be reviewed by the FCC.

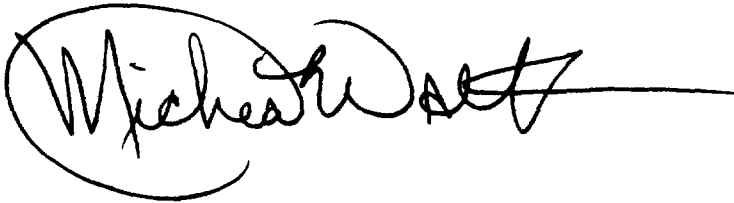
The NPPCA feels if preference licenses can be simply exchanged and acquired by whomever, the very essence of the issue of parity and diversity for non-dominant ownership in PCS, as mandated by Congress and so diligently crafted by the rules established for auctioning, is compromised and eventually becomes...NON-EXISTENT.

The Constitution of the United States speaks of inalienable rights. The guarantee of the opportunity to establish ownership, to know that your future is secured and not subject to mortgage by anyone for any reason is the primary message that must be sent to all Americans. But, it must be more than a message, it must be an iron-clad promise. A promise which ensures that the American dream will be reality for all Americans. The American dream which allows for the evolution from despair and hopelessness to the reality of opportunity and success.

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The information super highway is the most unique technological advancement ever recorded in the history of the United States. If America is to live up to its true creed, all individuals who desire to participate, develop, establish ownership and prosper economically by providing products and services for the information super highway must be allowed to participate at all levels. This Nation can ill-afford to allow roadblocks which impede any designated non-dominant entity which seeks to use innovation or small application in this revolutionary undertaking.

The National Paging & Personal Communications Association appeals to the Commissioners of the FCC to safeguard the future for all Americans by adopting the aforementioned Post-Auction Resale Restrictions.

A handwritten signature in black ink, appearing to read "Micheal Walker", with a long horizontal line extending to the right.

National Paging & Personal Communications Association
Micheal Walker, Executive Director

cc: Commissioner Hundt
Commissioner Barrett
Commissioner Quello